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PHARMA AG

18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN FRANCISCO DIVISION

21 ONYX PHARMACEUTICALS, INC.,

22 Plaintiff,

23 v.

24 BAYER CORPORATION, BAYER AG,
25 BAYER HEALTHCARE LLC, AND
BAYER SCHERING PHARMA AG,

26 Defendants.
27
28

Case No. C 09-2145 (EMC)

**STIPULATION AND [PROPOSED]
ORDER REQUESTING DISMISSAL**

Hon. Edward M. Chen

1 Pursuant to a settlement agreement entered into by the parties in the above-entitled action,
2 and pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the parties hereby stipulate
3 and request that the Court **DISMISS WITH PREJUDICE** all claims between the parties in the
4 above-entitled action, each party to bear its own costs and attorneys' fees.

5 Pursuant to the terms of the settlement agreement, the parties further stipulate and request
6 that the Court retain jurisdiction over the above-entitled action and over the parties personally for
7 the purposes of enforcing the payment obligation set forth in Section 12 of the Fourth
8 Amendment to the Collaboration Agreement between the parties.

9
10 Dated: October 14, 2011

Dated: October 14, 2011

11 COOLEY LLP

BARTLIT BECK HERMAN PALENCHAR
& SCOTT LLP

12
13 /s/ Martin S. Schenker
14 Martin S. Schenker

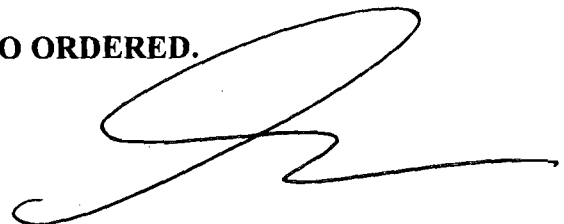
/s/ J. Scott McBride

15 Attorneys for Plaintiff
16 ONYX PHARMACEUTICALS, INC.

Attorneys for Defendants
BAYER CORPORATION; BAYER
HEALTHCARE LLC; BAYER AG; BAYER
SCHERING PHARMA AG

17
18 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

19
20 Dated: October 17, 2011



21 Hon. Edward M. Chen

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Martin S. Schenker, attest that concurrence in the filing of this Stipulation And [Proposed] Order Requesting Dismissal has been obtained from each of the other signatories. Executed this 14th day of October, 2011, at San Francisco, California.

/s/ Martin S. Schenker
Martin S. Schenker